UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
GENERAL

CEDAW/C/5/Add.31
16 October 1985

ORIGINAL: ENGLISH

Committee on the Elimination of Discrimination
Against Women (CEDAW)
Sixth Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

POLAND

V.85-32201

Introduction

Poland has had years' long traditions in the struggle for social progress and equal rights of men and women.

Poland's history, abounding in tragic developments, in particular the loss of independence towards the end of the 18th century, which lasted for more than 120 years and the successive two world wars, could not but affect the progressive social fabric passed down from generation to generation and perpetuated in the Polish literature and culture. In the hardest years of our history, Polish women played a great role in the struggle for national liberation and independence, for peace and social progress. They were also educators of the younger generations, instilling in them the ideals of patriotism, tradition, culture, social progress and equality. Poland's history and literature immortalized many outstanding and progressive women.

Poland regained its independence in 1918. The decree of the Head of State on electoral regulations to the Legislative Diet, passed several days after gaining independence, made women equal with men in their electoral rights. The first constitutional act of 1921 further strengthened their position.

Following the victory over Nazism in World War II, in 1944 Poland again regained its independence after five years of brutal occupation.It embarked upon a new road - one of profound socio-economic transformations. They were reflected in the new socialist Constitution of 1952, which recognized expressis verbis the principle of equality of men and women [1/]. From the very beginning of the people's State, the authorities set out to create socio-economic conditions to make it possbile for women

to exercise their equality status.

Poland has also been active in that field on the international scene. It has actively contributed both to the work of the UN Commission on the Status of Women, and to a comprehensive system of norms of international law as regards the rights of women. Poland was one of the initiators of the United Nations Declaration on the Elimination of Discrimination against Women of 1967. It also made a major contribution to the preparation of the Convention on the Elimination of All Forms of Discrimination Against Women, having signed and ratified it as one of its first parties. Poland is party to numerous other conventions relating to the rights of women.[2/]

The present report consists of two parts. Part I discussess issues indicated in paragraphs 3a-e of the General Guidelines regarding the form and contents of reports received from States-Parties under Article 18 of the Convention (UN document - CEDAW/C/7 of August 11, 1983). In this part, a brief summary of the demographic structure is followed by:

- chapter 3a, describing the socio-political and legal framework of the Polish People's Republic,
- chapter 3b, which presents the relationships between the existing legislation and the provisions of the Convention,
- chapter 3c, which provides a general outline of the juridical system in Poland.

The foregoing will introduce the basic institutions to be referred to in Part II of the report:

- chapter 3d, which covers the subject of women's access to education and work, conditions of family life and women's participation in public life,
- chapter 3e, which responds to the question whether the provisions of the Convention can be invoked before and directly enforced by the courts, other tribunals or administrative authorities, or whether the provisions of the Convention have to be implemented by way of internal laws or administrative regulations, in order to be enforced by the authorities concerned.

The relatively broad treatment of Part I of the report is meant to offer as comprehensive as possible a presentation of women's living conditions in Poland, so as to facilitate an assessment of the status of their equality.

Part II of the present report contains information on the status, ways and means of implementation by Poland of the specific provisions of the Convention.

P A R T O N E

The present demographic situation of Poland is as follows: there are 19.2 million women, representing slightly more than one-half of the country's population, which is 37.4 million. 60.3 per cent of the population live in towns, the rest is inhabiting rural areas, including 7.4 million women.

In 1983, the natural growth of the population was 371.4 thousand. The average number of people per worker household in 1983 was 3.52, and per peasant household - 3.65 persons; it was the highest in worker-peasants households and reached 4.57 persons.

In 1983, the number of people below 18 years of age amounted to 10.7 million of whom 5.2 million were women. As regards old-age people, pensioners, i.e. women above 59, their number reached 3 million, and that of men above the age of 64 - 1.3 millio

Most women are professionally active. 75 per cent of women in what is called producive age (18-59) are professionally employed, this index being much higher for women working in agriculture than for those working outside farming. In agriculture, 85 out of every 100 women are working; outside agriculture the corresponding figure is 69.

3a

The Political system and supreme organs of State authority in the Polish People's Republic

The highest organ of State authority is a unicameral parliament (the Sejm). As the highest representation of the will of the working people of town and country, the Sejm gives form to

the sovereign rights of the Nation. Deputies to the Sejm are elected for four years. The Sejm passes laws, adopts resolutions which define basic guidelines of State activity and exercises control over the work of other organs of State authority and administration. The Sejm elects a Council of State from amongst its members. The Council of State is a collective equivalent to the head of State.

The Council of State can issue decrees with the force of law in the intervals between sessions of the Sejm. The Council's decrees are subject to approval by the Sejm at its successive session. The Council of State also exercises control over People's Councils, which are local organs of State administration and basic organs of social self-government of the working people of town and country. They are representative, collective organs, elected for a term of four years. Their structure is adjusted to the administrative division of the country, that is into voivodships (provinces) and municipalities, as well as communes, towns and urban districts of larger cities.

The supreme executive and administrative organ of State authority is the Council of Ministers - the Government of the Polish People's Republic. The Council of Ministers or its respective members are appointed and recalled by the Sejm, before which it is responsible and accountable. Individual branches of State administration are directed by ministers. Local organs of State authority and administration, and at the same time executive organs of People's Councils are voivods and city presidents (mayors) at the first level of the administrative division, and commune and town district heads at the basic level (one-person organs).

The system of hierarchical subordination entails both People's Councils and organs of administration.

Poland's is a multi-party system. Next to the Polish United Workers' Party (PZPR), which is the guiding political force of society in building socialism, there are two other political parties: the United Peasants' Party (ZSL), which mostly comprises farmers (71 per cent) and the Democratic Party (SD), in which the most numerous group (30 per cent) are artisans, people employed

in trade (9 per cent), State administration (9 per cent) as well as science and education (8 per cent).

In 1982, in the aftermath of a political unrest in Poland, a social movement emerged, to be called the Patriotic Movement for National Revival (PRON). It represents a civic platform to unite the society for the good of Poland regardless of political views, beliefs, etc.[3/] The supreme organ of the PRON - the National Council includes 61 women, which constitutes some 15 per cent of the Council members.

Apart from the Polish United Worker's Party and other political parties, there are in Poland many civic organizations which group citizens, with a view to actively participating in the public economic and cultural life.

The system of law

In the hierarchy of the sources of the law the Constitution of the Polish People's Republic is of utmost significance. It was passed in 1952 and subsequently amended. The Constitution is the basic legal act determining the foundations of the political and socio-economic system of the Polish People's Republic and contains provisions governing the adoption of other legal acts. The principle of equality of men and women is one of the major principles stipulated in the Constitution. According to them, the citizens of Poland have equal rights irrespective of sex. This is also expressly stipulated by the provision that women in Poland shall have equal rights with men in all the fields of public, political, economic, social and cultural life[4/].

Owing to their incorporation in the Basic Law, the constitutional provisions guaranteeing civil rights, freedoms and duties play a role superior in relation to all other legal regulations. The significance of the constitutional provisions consists in the fact that law-making has to be pursued on the basis of respect for and expansion of these provisions. Therefore, constitutional norms have a special legal force of their own, a force superior to common acts of law. Thus, the legislator is

under the obligation of fulfilling the provisions of the Constitution by way of ensuring acts of law and is prohibited to issue laws in defiance of the Constitution. Hence the paramount importance of the principle of equality as contained in the Constitution.

Compliance of legal acts with the Constitution is supervised by the Constitutional Tribunal, which is a new institution, established under the constitutional amendment of 26 March 1982[5/] The appointment of the Constitutional Tribunal is to take place under a separate act of law. So far this function has been performed by the Council of State.

The principle of equality is set in various legal acts passed by the Sejm. This includes basic normative acts such as the Civil, Penal, Family and Guardianship as well as Labour Codes. All these acts, in keeping with the intent of the Constitution, specify equality in categories of political, economic and social rights.

However, creating the infrastructure with a view to making it easier for women to combine household and professional duties as well as to pursue socio-economic activity has encountered difficulties of an economic nature, due to the country's critical situation in 1981-1982. In coping with difficulties, the Government has always had in mind protection of women's rights, especiall lone mothers and families with many children.

3b

Still before the ratification of the Convention, the system of law in Poland had been in compliance with its provisions. Consequently, it proved unnecessary to amend national legislation upon the ratification of the Convention in 1980.

Although, in its legislation, Poland has positively shifted from the principle of non-discrimination of women to that of their equality and has a considerable record of accomplishments in the implementation of that principle, nevertheless, the Government sees a number of problems that require priority attention and call for change.

3c

As discrimination of women is not a problem in Poland, neither is there a special organ dealing exclusively with the protecting women's rights. Therefore, once legally guaranteed rights of women are violated, claims can be advanced according to general principles, which are the same for all citizens without exception.

The system of civil rights protection in Poland is based on the guarantees embodied in the very socio-political and economic system of the country as well as on extensive institutional means.

The courts are of major significance from the point of view of legal protection. They perform their functions as independent organs, subject only to legal acts. Judges are appointed by the Council of State, while lay judges who represent the public factor in passing judgements are appointed by People's Councils. Lay judges enjoy equal rights with regular court judges in passing judgement and exercising judiciary independence.

Court procedure is based on a system of two instances. The litigant party has the right to appeal any judgement to the court of a higher instance. It follows the principles of contentious proceedings, openness and freedom of the court in assessing the evidence. Courts' decisions are supervised by the Supreme Court, appointed by the Council of State. A system like this is aimed at securing just verdict and, thereby, at safeguarding the legitimate rights of citizens.

Poland's court system is a three level structure: district courts, voivodship courts and the Supreme Court.

From the point of view of the protection of women's rights, of essential importance in recent years has been the establishment of the so-called Family Courts. Until recently, family matters and juvenile cases were subject to different court departments. In the new structure, Family Courts have been granted combined competence to act in all family-related cases, those pertaining to family and guardianship law, civil law as well as penal law, as applied to juveniles, who are persons that have offended the law before they turned 17 years of age.

The Family Court not only passes judgements but also executes its decisions and conducts widespread preventive and resocialization activity.

Family Courts competence being so defined, has made it possible for the problems of the family and juveniles to be approached in a comprehensive way. The introduction of a territorial division of labour has brought about a situation in which all the matters concerning the same family are dealt with by one judge, a cooperating probation officer and a team of social workers, who are well familiar with the environment. Apart from a fairer standard of court decisions, entrusting all matters of a given family to one judge speeds up procedures.

In order to function properly, Family Courts need highly qualified expertise.They receive it from Family Diagnosing and Counselling Centres, set up under the Ordinances of the Minister of Justice[6/]. The Centres employ specialists in different fields, in particular pedagogues, psychologists, physicians of various specialities, including psychiatrists and neurologists. The purpose of the Centres is to assist in a correct application of educational means and methods as well as their proper execution, in particular through:

1/ carrying out psychological, pedagogical, medical and environmental examinations and issuing, on their basis, opinions on juveniles, their parents and guardians,

2/ carrying out family counselling and extending specialist care over juveniles,

3/ rendering specialist assistance to corrective institutions and shelters for juveniles.

At present, there are 49 such Centres operating in Poland. Apart from Diagnostic and Counselling Centres, Family Courts are also helped by the probation apparatus comprising both professional probation officers, employed by courts, and social workers, that is persons with appropriate predispositions and qualification doing voluntary work in their free time. In addition to individual probation officers, there are also probation centres for youth.

Those offer some form of collective care, encompassing preventive resocialization activities, which consist in group participation of young people on probation in extracurricular activities, such as help in their school activities, recreation, entertainment, developing interests, offering extra meals, performance of socially useful work. The centres have proved to be quite successful in their work.

Since in conflict situations in the family it is usually women who need legal help or assistance in bringing up children, the institution of Family Courts is especially in their interest.

At present, there are 245 Family Courts in Poland[7/]. Over 1000 judges specializing in family problems are now involved in their work. They cooperate with more than 800 professional probation officers and over 13 thousand social workers.

Apart from family matters, another very important sphere of life is work. Once citizens' rights partaining to a work contract are violated, the case may be submitted to Labour and Social Insurance Courts, which are separate from common courts. Labour and Social Insurance Courts, are set up at the level of district and prowincial courts, to which judges and lay judges particularly competent in labour questions are appointed

In certain cases, competent are administrative organs and organs of a civic character. Administrative organs act according to the Code of Administrative Procedure [9/]. The decision made in the first instance may be appealed from[10/]. Moreover, administrative decisions may be appealed by litigation. A court competent to consider them is the Supreme Administrative Court[11/].

Decisions in the following matters may be appealed with the Administrative Court:

1/ prices, charges, taxes,

2/ activities in production, crafts, services and other kinds of economic activity,

3/ population registry, including citizenship and identity cards,

4/ housing management,

5/ education and upbringing, higher education, culture and arts as well as artistic activity,

6/ farm-land management,

7/ employment and social affairs,

8/ health and social welfare, sports and tourism.

The duty to respect the law derives for all organs of the State [12/] from the Constitution of the Polish People's Republic and it is instituted through various forms of control.

Respect for law is also subject to control by organs of the General Prosecutor's Office which ensure respect for the rights of citizens [13/].

Moreover, citizens have the right to approach all State organs with complaints and postulates submitted in their own interest, in the interest of other persons as well as in the public interest; State organs are duty-bound to consider and settle these complaints [14/]. Likewise, the entire system of State and social control is aimed at safeguarding the realization of the provisions of the law [15/].

The following data are illustrating women's participation in the administration of justice. Women constitute 31 per cent of public prosecutors. 53.9 per cent of the work force in courts are women. They also constitute 61.3 per cent of all judges working in district courts. In Labour and Social Insurance Courts the proportion of women is as high as 64,8 per cent. Women constitute 65,5 per cent of all notaries public (according to 1984).

3 d

Education

All citizens of the Polish People's Republic have the right to education. The right to education is a constitutional principle [16/]. This principle is guaranteed by free education at all levels, universal and obligatory primary school, universalization of secondary schooling, development of higher education State assistance in upgrading qualifications of the working people, the system of scholarships, development of boarding schools and students' hostels as well as other forms of material assistance to students. School and university curricula are iden-

tical for both sexes. In the school year 1983/84, women accounted for 49 per cent of all persons attending schools of all levels, in particular:

in primary schools	48 per cent
in secondary schoools of lower level	37 per cent
in secondary vocational and general schools	59 per cent
in post-secondary schools	75 per cent
in higher schools and universities	51 per cent

Work

An enormous increase of women's share among gainfully employed people is an effect of raising the level of education and acquiring a profession or trade, combined with other factors. Apart from the protection of women's health and protection of maternity, labour law makes no distinction between men and women. At present, 44.4 per cent of the employees in the public sector are women. This shows a considerable growth in the period 1950-1981. In 1950, women accounted for 30.6 per cent the total work force[17/]. Even bigger is the share of women among people employed in the non-socialized sector. In 1983, it reached 49 per cent of the total employment. It should be added, however, that the majority are women employed in non-socialized farming, that is working on their own farms. A considerable number of professionally active women also run traditional households. Ever more frequently men help in running households. This is an effect of educational work carried out in school by youth organizations as well as the League of Polish Women and other civic organizations. In spite of women's considerable participation in the professional activity, the general structure of employment in Poland reveals the following conclusions:

1. "feminization" of occupations traditionally dominated by women runs deeper (employment in the health service and social welfare, in the field of finance and insurance, in trade, education, scientific and cultural institutions as well as administration and the judiciary);

2. women relatively easily and quickly join new professions;

3. the number of women in traditionally male occupations is growing rather slowly;

4. women with higher education can mostly be found in the humanities;

5. changes in the professional situation of women and their desire to continue work considerably depend on the level of education[18/].

As indicated above, there is sex differentiation in choosing jobs. In order to guarantee proper structure of employment, in 1967 the Ministry of Education started introducing a programme of information on the opportunities of school and vocational training of those completing their primary schools.

There are certain contradictions, however, between the principle of free access to any type of school and the employment policies. The latter are tightly linked to economic development and their purpose is to fill all work places. Due to some professions requiring that they be performed by men, the training of personnel has to be adjusted accordingly. For these reasons, girls who apply to schools and choose hardship trades are advised to change their specializations. It is not the question of the trades concerned, which in keeping with relevant rules and regulations, may be banned for women - a thing to be discussed under article 11 of the Convention - as girls generally are not admitted to such courses (eg.steel-makers in steel-mills, miners working underground), but rather those, which while not being prohibited for women stil call for certain physical characteristics, like unusual strength or psychical features that seem to favour men and are rarely possessed by women. This is for instance, the case of a physician specializing in orthopedy or surgery. The need to guarantee an appropriate number of men for such trades has prompted introduction of some admittance quotas to departments of general medicine at Medical Academies. Amongst those admitted 50 per cent are to be boys.

The purpose of such procedures is in no way discriminatio of any of the two sexes, but rather setting up best possible proportions among the future employees in a given speciality.

Distinct over-feminization of certain professions, already a fact in Poland in such trades as medical services and the school system, results in unwanted effects caused by women's special social and biological functions.

Home-family

Increased level of education and considerable growth of the number of working women account for a new model of the family and relations among its members. The family is very highly regarded in the Polish society. Sociological surveys have shown that a happy family is being listed as a priority objective in one's life [19/].

Surveys concerning the family's model accepted in the Polish society have shown that young people, mostly white-collar workers, living in big cities, more often are in favour of a modern pattern of the family than older people, mostly farmers and unskilled workers. The modern model is based on the principle of marital partnership, both as regards professional work and the division of household chores. This includes the right of children to have their own views and the right to individual spending of part of the spouses' money and leisure time. Remnants of old customs and tradition account for the fact that there is still an alleviated model of the traditional family in our country enriched with elements of a modern family model. Surveys have also shown that both young and older people attach great weight to the cohesion of the family. In this connection, under the modern family model the right to individual spending of a part of money and leisure time is not accepted[20/] as a rule. According to the same survey, women are slightly more traditional than men in choosing the accepted patterns of family life, since it is they who more frequently than men accept certain elements of the traditional family model.

Women's organizations

Women take an active part in public life. One of the manifestations of their activity are women's organizations and movements. They are the League of Polish Women, the National Committee of Women in Cooperatives and the Rural Housewives' Circles.

The League of Polish Women is a socio-political, mass organization. It functions as an association of higher utility and has legal personality. It comprises some 430 thousand women regardless of their world-outlooks and membership in other civic and political organizations. The purposes of the League are:

- consolidation of women's position in the political, public and cultural life, in the national economy and family;
- shaping social policy of the State by voicing its opinions on normative acts concerning social policies and analyzing the effectiveness of the functioning of legal regulations in this field;
- consolidation of and assistance to the family as well as concern for the well-being of children;
- shaping committed attitudes of women, raising their political and general level.

The League of Polish Women is also active on the international plane. The organization takes active part in the struggle for peace in the world, general disarmament and development of cooperation among nations. The League promotes women's education by organizing civic education schools, courses and conferences on current problems of the country against the background of the international situation, courses and shows in running the household, sewing, embroidering, macrame and others. In March 1984 the League organized a symposium on the subject of "The participation of women in the struggle for independence and social progress", presenting the problem in the light of Poland's history and national experience. In October 1984, the Main Board of the League and the Polish Journalists' Association held an international seminar on "Women in the mass media".

The National Committee of Women in Cooperatives represents over 5 million women members and employees of all cooperative organizations. The purposes of the Committee include:

- popularization of cooperative principles and acquainting women with the principles and socio-economic tasks of the cooperativ movement;
- efforts aimed at satisfying the needs of the family and constant improvement of the living and working conditions of women members of cooperatives in the plans and programmes

of activity of cooperative organizations,

- initiating social and occupational activization of women in cooperatives, their social and professional advancement as well as full use of their qualifications and talents.

The movement of women members of cooperatives runs numerous clubs as well as "Practical Women Centres" in towns and "Modern House-wife Centres" in the countryside. There are about 2 thousand such centres, which organize some 6-9 thousand different courses a year. They encompass household training, organize leisure time of children and youth (e.g. "summer in the city" - a special programme for children who spend their vacation in towns), they run interest groups, artistic ensembles, render assistance to the family in fulfilling its educational and upbringing functions through help in learning and courses in baby nursing. The National Committee of Women in Cooperatives participates in solving women's daily problems, which can be evidenced by some of its resolutions: of Dec. 15, 1983 on cooperative activity to enrich the market, improvement of sales and development of services for current needs of the households, and of February 27, 1984 on improving women's health conditions.

Rural Housewives' Circles are a 1.3 million-strong organization, operating among and on behalf of rural women. They function in 90 per cent of villages. Rural Housewives' Circles organize numerous and varied courses and training (cooking, husbandry, running the household, knitting, etc.), they run amateur artistic ensembles, initiate many actions, e.g. building roads, poultry raising, they provide the breeding material, organize kindergartens during the harvest time to make it possible for mothers to work in the fields.

The Polish Committee for Cooperation of Women's Organizations and Circles was set up on March 9, 1983 by term of an agreement between the Main Board of the League of Polish Women, the Presidium of the National Committee of Women in Cooperatives and the Main Board of the Rural Housewives' Circles.

The aim of the Committee is to map out directions of activity of the Polish women's movement on the international forum.

The Committee promotes campaigns of struggle for peace and disarmament, it maintains contacts with progressive women's organizations in the world.

In March 1984, representatives of the Committee attended a meeting of women from Czechoslovakia, the GDR and Poland, in Frankfurt-on-the-Oder, GDR.

Also in March 1984 they participated in the meeting on "Women's participation in the world disarmament campaign" in Geneva, and in April 1984 - in the Women's CSCE Meeting in the Hanasaari Cultural Center near Helsinki. The Committee organized an international seminar on "Three generations of women in the struggle for peace against fascism", under the auspices of the World Democratic Federation of Women, in Warsaw, in August - September 1984.

Press periodicals for women are widely read by all, not women alone. A very popular women's weekly, Przyjaciółka (The Friend), has a circulation of 2.3 million copies. Assuming that every copy is read by 2 to 3 persons, it thus reaches an audience of some 6 million people and has a considerable impact of its own. Other titles include Kobieta i Życie (Woman and Life), Zwierciadło (The Mirror), Filipinka, Gospodyni (Housewife). At the same time, the Magazyn Rodzinny (The Family Magazine), is adressed to entire families and deals mostly with intra-family relations. The magazine is addressed not only to women, but to men and youth as well. It promotes a partnership model of the family, also by presenting the role of and the need for the father in bringing up children and his participation in other household activities. The Przyjaciółka weekly is also largely addressed to families.

Women's press aims at teaching, educating and helping women in life. Most papers concerned organize various contests and campaigns, with a view to solving problems of daily life. The latter can be exemplified by the contests, "A home for 4 thousand", the purpose of which was getting foster families for children without perents. The press carries counselling in legal and specialist matters as well as practical advice such as cooking (also for men),

dress patterns, advice on functional and esthetic arrangement of apartments, etc. There exists close relationship between the editors and their readers; the Przyjaciółka receives more than 100 thousand letters annually. To the best of their abilities the editors also try to help individual readers, as cases may be, through their own interventions.

The Gospodyni (Housewife) is a particularly noteworthy magazine. The paper is addressed to rural women. It carries a lot of specialized information - mainly advice in the fields of animal husbandry, vegetable growing, horticulture and flower growing, as these seem to be the fields of farm women are most concerned with. For eight years now the Gospodyni has been promoting a campaign called "An Order of the Heart to rural mothers". An Order of the Heart is awarded to mothers with many children, in recognition of their proper upbringing.

In undertaking topical subject and promoting certain personality models and behaviours, women's press exerts quite an impact on its other readers' consciousness.

Participation in the life of the country:

Women also directly participate in the life of the country. Their involvement in local self-governments and factory self-managements, as well as in the work of People's Councils helps them gain experience in solving problems of their community and the country at large. Women are members of Parliament (the Sejm), councillors in voivodship People's Councils and basic-level councils. Statistics pertaining to their participation in organs of authority and political parties have been furnished under the chapter of the present report discussing Article 7 of the Convention.

3c

The legal system of the Polish People's Republic is one of statutory law. Laws are enacted by the Sejm. The binding principle in Poland is that civil rights cannot be limited unless under a legislative act. Thus, the law in force is made up of legislative acts and executive regulations as passed on their basis.

A legislative act and the law issued on its basis, in order to be enforced, first have to be published in the Official Gazette (Dziennik Ustaw) of the Polish People's Republic. As mentioned earlier, the Convention on the Elimination of All Forms of Discrimination Against Women was ratified by the Council of State on 18 July 1980. It was subsequently published as an annex to the Official Gazette [21/]. The ratification of the Convention and its subsequent announcement in the Official Gazette have effected in a situation whereby in keeping with the principle of Poland's legal system, the provisions of national legislation cannot be in contradiction with the provisions of the Convention. As mentioned under item 3b of the present report, that principle has been fully complied with.

PART TWO

The following is information on the status, ways and means of implementation by Poland of the specific provisions of the Convention.

Article 2

The Constitution of the Polish People's Republic guarantees equality of all citizens[22/].

This constitutional principle is embodied in basic legal acts governing internal relations in the State: the Civil Code, the Family and Guardianship Code, the Labour Code, the Penal Code, the Code of Administrative Procedure.

All citizens of Poland are equal before the law; should their rights be infringed upon, they have equal access to protection, in particular by way of a lawsuit.

The obligation to abide by the law, the role of the Prosecutor General's Office and the institution of complaints and motions in that respect were discussed at the end of item 3 c, part one of the report.

Article 3

The political system and participation in it are open both to men and women. There exist no regulations limiting women's access to central or local authorities or political parties.

Women participate in public life on equal footing with men. Equality in economic life is safeguarded by the universal right to work, the principle of equal pay for work and the protection of motherhood, which is considered to be a social function.

Women have also equal access with men to cultural amenities and to participation in creating culture. This is guaranteed by universal accessibility to artistic education of all levels and amateur creativity promoted by the State.

More detailed information on the subject is contained in the discussion of parts II and III of the Convention.

Article 4

There is no need of adopting temporary special measures aimed at accelerating a de facto equality between the rights of men and women in Poland, due to the already existing legal guarantees.

Article 5

In Polish culture and tradition, the woman has always enjoyed special respect. However, along with the rapid industrialization of the country, following World War II, and the demand for labour as well as due to the transformation of social structures, efforts were taken in Poland at changing certain elements of the stereotype roles of men and women. A new type of woman appeared in the mass media, school textbooks and curricula - a working woman, in no way inferior to man. Also the economic system,including wages, has been aimed at changing women's role and increasing their participation in building a happier socialist society. The process of accelerated industrialization having been completed, also the publicized model of woman changed[23/]. Instead, more attention has been drawn to a harmonious combination of professional roles with those of a mother and wife. The radio, television and the press make their own contribution to disseminating desirable models of the family. This is especially true of women's press, as discussed in part one of the report, item 3d, sub-item "Women's organizations".

Preparation of the young generation for family life is fostered in school curricula by a special subject introduced a few years ago. Classes on the preparation of the young generation to family life are attended by both girls and boys. They provide basic information on the significance and functioning of the family and offer practical training in certain household affairs, such as running the family budget, etc.

Moreover, an inter-departamental Team to Overview the Coordination of the Implementation of Social Policies on behalf of Women and the Family has been established in 1976 by the Ordinance of the Chairman of the Council of Ministers, to implement the relevant recommendations of the programme of the International Year

of Women and the objectives of the United Nations Decade for Women. The Team has been undertaking action aimed at consolidating women's professional and social position, in particular:

- to secure conditions for a fuller involvement of women in the socio-economic life, according to their qualifications, abilities and experience,
- to develop activities aimed at assisting working women in fulfilling their functions as employees and mothers,
- to shape proper attitudes and views of the society on the role and position of women, both those gainfully employed and those who only run households and bring up children.

On the initiative of the Team and in cooperation with women's organizations, various social benefits have been legally ensured to the advantage of women and the family.

An important factor in eliminating stereotypes is also constant growth of the awareness of the equality of women in society, which stimulated women's active participation in the political and social life.

Article 6

Poland is party to the international Convention for the Suppression of Slave Trade and Exploitation of Prostitution of 1950, as well as to the earlier relevant conventions banning all forms of traffic in women [24/]. The provisions of the conventions concerned have been incorporated in the penal regulations, prohibiting traffic in women and deriving profit from exploitation of women's prostitution. The regulations provide severe penalties for their offenders[25/].

Article 7

Women in Poland, on equal terms with men have the right to vote in all elections and public referenda as well as the right to be eligible for election to all publicly elected bodies. This is guaranteed by the Constitution of the Polish People's Republic and specified by the Electoral Law to the Sejm and to People's Councils[26/].

From the legal point of view, women have all the opportunities to participate in the political life of the country. The actual extent of their practical participation can be illustrated by the following:[27/]

- in the present term of the Sejm, out of 460 MPs some 24 per cent are women (at the beginning of the UN Decade for Women the relevant figure was close to 16 per cent);

- among the councillors of voivodship People's Councils they constitute 20.1 per cent of their total membership, and at the basic level of the Councils - 20.7 per cent;

- one woman is member of the Council of State, and one in the Presidium of the Sejm; one woman is minister-member of the Government and three others are deputy ministers. The foregoing indicates that in spite of efforts at different levels, the number of women holding decision making posts is not significant. Sharing government also manifests itself through women's participation in non-governmental organizations and associations concerned with the public and political life of the country;

- 26.8 per cent of members of the Polish United Workers' Party are women; they form some 12 per cent in the Party's Central Committee;

- 26 per cent of the membership of the United Peasants' Party are women; their representation in the Head Committee of the party amounts to some 13 per cent;

- membership of the Democratic Party comprises 33 per cent of women; in the Party's Central Committee their representation is 6 per cent.

No limitations whatsoever restrict women's membership in scientific, technical, cultural, co-operative, professional, sports and many other organizations.

Article 8

Although women in Poland have the possibility of representing their Government at the international level, their share in so doing is still not significant enough. The problem is subject of special concern on the part of women's organizations. Some progress

has already been noted. In 1983 the first woman was appointed ambassador. Polish women also participate in the work of international organizations, governmental and non-governmental. Two of them have been recently elected to the World Peace Council; six are on the Council of the International Democratic Federation of Women. There are three women in the Council and the Bureau of the International Federation of Women in Legal Careers. Some Polish women also perform responsible functions in international scientific and cultural organizations, as the World Association of Pedagogical Science (one Polish representative) or the International Association of Art Critics, of which a Pole is honorary president. Polish women are represented, too, on the UN Committee on the Elimination of Discrimination against Women.

Article 9

The Law on Polish citizenship [28/] remains in compliance with Article 9 of the Convention. In particular, Article 3 of the Law provides that marriage of a Polish citizen to a person of another nationality does not effect in changes of the citizenship of the spouses, and the change of the citizenship of one of the spouses does not entail a corresponding change of citizenship of the other spouse.

The child of parents one of whom is a Polish citizen and the other a citizen of another State acquires Polish citizenship by birth. However, within three months from the date of the child's birth the parents may choose for it the citizenship of the country of which one of the parents is citizen. In case of conflict between the parents, each of them may appeal to court for arbitration [29/].

Article 10

Men and women have the same rights to acquire education. This is guaranteed by the constitutional principle that Polish citizens have the right to education[30/]. The principle is implemented by legal acts, primarily the Law on the development of the system of education and upbringing[31/] and the Law on higher education[32/]. The expansion of the educational system has made it possible for

every citizen to acquire primary education and ensure access to all levels and lines of study. All the legal regulations concerning pre-school, primary, vocational, secondary and higher education apply equally to girls and boys. The entire system of education is based on the principle of equality of sexes; they have the same curricula, the same teaching staff and the same textbooks.

Primary school is compulsory.

All young people have access to a network of occupational councelling centres, created to facilitate pre-orientation as to future occupations and vocational training[33/]. The system of enrollment in higher-than -primary schools is based on the evaluation of the candidate's knowledge. At the moment , there are obligatory entrance examinations to all schools of that type.

At present, over 24 per cent of women at the age of 15 and over have secondary education, as compared with 19 per cent of men in the same age group. However, men more frequently choose basic vocational training. There are 26 per cent of men with such education and 12 per cent of women.

Also, as regards enrollment in schools of higher learning the Law on higher education follows the criterion of having a secondary school graduation certificate and evaluation of the candidate's knowledge. However, in view of need for an indispensable balance between men and women employed in certain professions, it proved necessary, in some fields of studies, to introduce admission quotas for women and men. This concerns medical studies which used to recruit large number of women. It seems understandable that the medical profession could not be totally feminized. At present the total proportion of people with higher education in Poland is 6 per cent for men and 4.3 per cent for women. These proportions are likely to change in favour of women given their slight majority among university level students[34/].

Illiteracy, both among men and women, was eradicated in Poland in the first years after World War II thanks to a very intensive and widespread educational campaign. Adults may pursue their education in night schools for working people at all levels. Regardless of sex, workers delegated to such a school by their work establishment are eligible for 12 additional days of paid leave a year in case of secondary school students and 28 extra days a year in case of

students of schools of higher learning. Moreover, the person concerned is eligible for extra 4 to 5 hours a week to school and lump-sum refund to cover transportation if the school is located in another town. In 1983/1984, primary schools for working people were attended by 2.9 thousand women, that is 19 per cent of their students. In the same year, 34.3 thousand women were raising their qualifications in secondary general schools, in which they constituted an overwhelming majority - 78 per cent of students.

Students are assisted through a scholarship system. The State ensures them material assistance, boarding schools and students' hostels[35/]. Under scholarship regulations, female and male students have equal opportunities in obtaining scholarships and other benefits; the basic criterion is the material situation. The same regulations provide for an increase of non-returnable grants to a female student bringing up a child on her own.

In 1983/84, almost 11 per cent of secondary schoool students, 27.5 per cent of vocational school students and 53 per cent of university-level students were getting scholarships.

Equal opportunities to participate in sport and physicial education for men and women are ensured by obligatory physical education classes at all levels of education, from the primary to university level inclusive. At the same time, the possibility for a more comprehensive physical development is offered by the universal accsss to sports clubs and facilities, raised to the rank of a constitutional principle[36/]. Those actively practicing sports and having a valid sport rating certificate include 25 per cent of women.

There are sports though in which the share of women is very high or even higher than that of men:

- in gymnastics women constitute 63 per cent of all athletes,
- in skating 56 per cent,
- in sport acrobatics 63 per cent,
- in swimming 50 per cent,
- in basket-ball 48 per cent,
- in volley-ball 46 per cent,
- in track-and-field 40 per cent.

All women, regardless of their background and social status, have the possibility of getting information and advice in family counselling centres and women's health clinics. Women's health clinics are specialized medical centres employing qualified gynecologists and obstetricians. Their network is based on health service institutions and they are located all over the country, both in towns and in villages. If there is no residing medical specialist in a village, regular specialist's visits are provided from other localities while a qualified midwife ensures permanent services. There are also obstetric-gynecological consulting wards at every branch of health centres. At the voivodship level, specialized Mother and Child Clinics offer their regular services. Efforts are being now made so that family counselling wards be operating in all health service centres.

A separate network of counselling centres is run by the Society for Family Development. The network is supposed to render assistance in solving problems concerning planning and functioning of the family. The Society runs 20 pre-marital and family counselling centres, two counselling centres for youth and five specialist clinics for women. It has its own Centre of Modern Family Studies and conducts prophylactic preventive activity (meetings, lectures) and counselling; it renders assistance in easing conflicts and stresses (i.a. individual psychotherapy on the spot, by phone and correspondence).

Finally, there exists also a network of industrial health service clinics.

Article 11

Every citizen of Poland has the right to work, that is, the right to employment paid in accordance with the quantity and quality of the work done. That right, too, is a constitutional principle [37]. The basic legal act implementing the principle is the Labour Code. It regulates the legal situation of employees regardless of sex, in keeping with full equality betwen men and women.

Women have the right to the same opportunities of employment as men in all occupations considered suitable for women. There exist jobs, which for health protection reasons women are not allowed to perform [38/].

Women can choose a profession and a job on equal footing with men. No regulations concerning working conditions, the right to improve one's qualifications or permanent training contain provisions which would discriminate women. These regulations apply to the entire labour force. Thus work establishments would delegate "employees" to schools for the working people who have distinguished themselves in professional work and have shown an exemplary moral and civic attitude. Hence, the criteria make no mention of the sex of the employee[39/].

A practical form of guarantees of the right to equal job opportunities for men and women are also provisions contained in the Law on employment of graduates of all types of schools[40/]. The Law uses the term "graduates", thereby making no differentiation between men and women. Also pay schedules and workers' grading lists apply to workers performing definite jobs notwithstanding their sex.

Likewise, all the legal regulations concerning the right to social security, in particular in case of retirement, sickness, disability and old-age or unfitness for work for other reasons, as well as the right to paid leave, mention "employees", as equally applicable to women and men[41/]. Retirement regulations for women are somewhat different from those for men, in particular:

a/ the statutory retirement age is 60 (65 for men);

b/ women who have worked for 30 and more years are entitled to retire at 55;

c/ the total time of employment required for a woman to obtain a pension include the duration of leaves received to bring up children as well as intervals in employment to look after children up to four years of age - for the total period not exceeding 6 years;

d/ a female employee who has worked for at least 15 years can get part of her pension upon turning 60.

All working people also have the right to health protection and safe working conditions[42/]. Women's health is subject to special protection. This is served by what was already said on banning employment of women at particularly onerous and hazardous jobs. The Labour Code provides for special protection of pregnant women and women on maternity leaves. It prohibits discharging women from work and revoking their work contracts be it in case of pregnancy or during maternity leave. A pregnant woman cannot be employed at onerous and hazardous jobs as well as overtime and at night. She cannot be sent either outside the permament place of work without her consent.

If a physician finds that due to her health condition a pregnant woman should not perform the job she has so far been doing, the employer is bound to shift her to a job suitable for her while she retains the right to remuneration she was getting before her transfer to another job. Available is free pre-natal medical care for pregnant women as well as post-natal care and child-care. The labour law provides for paid maternity leaves for working women:

- 16 weeks after the first birth,
- 18 weeks after every subsequent birth,
- 26 weeks in case more than one child were born at one time.

There are no terms or conditions attached to the right to maternity leave save for the women's having given birth to and her personal care over the child.

During a maternity leave a woman gets a maternity allowance in the amount equalling her pay before she has gone on leave. At the same time, her work contract remains in force and unchanged so that she can subsequently return to her former post. In terms of continuity of employment, the entire period of maternity leave is treated as if the woman kept on working. It is therefore included in granting a woman all the benefits on account of employment.

Moreover, since 1981 women bringing up children up to 4 years of age have been granted the right to child-care leaves of

3 years to look after the child. During the leave, for two years a woman receives a child-care allowance, which can be extended up to three years if she is bringing up a child all by herself or looking after more than one child born on the same occasion, or looking after a disabled or a chronically ill child. The amount of the allowance varies according to the material situation of the woman concerned.

During child-care leave as well as after a women's return to work, her work contract is protected in the same way as in the case of pregnant women and women on maternity leaves.

High women's occupational activity and Poland's prevailing growth trends in demography effect in a growing demand for care over children up to 6 years of age and a systematic development of child-care institutions, that is nurseries - for children up to 3 years of age, and kindergartens - for children between 3 and 6 years of age.

The total number of places in nurseries amounting to 102,640 (of which nearly 25 per cent are in-factory-run nurseries) meets at present the social demand even in excess. This is due to the institution of child-care leaves, which are now used by over 700,000 working mothers. However, in spite of the annual growth (some 15 to 22 thousand) of the number of places in kindergartens, their deficit has now become more acute with the growing number of children entering the kindergarten age while construction of new facilities has been fast enough.

Employment of women in specific sectors of the economy is as follows:

In industry, they constitute 37 per cent of total employment, in trade -70 per cent, in building - 19 per cent, in transport and communications - 27 per cent, in services and municipal economy - 32 per cent, in administration and jurisdiction - 60 per cent, in insurance and finance - 83 per cent, in health service and welfare - 80 per cent, in education and upbringing - 75 per cent, in science and technology - 47 per cent, in culture and arts - 61 per cent.

Article 12

The right of citizens to health protection and assistance in case of sickness or work disability is a constitutional principle. This right is enjoyed equally by men and women. Health service facilities are open for all.

The question of specialist family and women counselling has been discussed under consideration of Article 10 of the Convention. Mention should also be made of a research and scientific institution at the Ministry of Health and Social Welfare - the Mother and Child Institute, which renders assistance in solving problems of mother-and-child-care, supervises obstetric and pediatric wards of health services and conducts research. No baby food may be put on the market unless it obtains the Institute's certificate.

An interesting and useful initiative in the field of women's health protection has been a national project to construct a Mother's Health Centre, in addition to the functioning Child's Health Centre - a modern hospital specializing in medical child care. The Mother's Health Centre will be a modern hospital, built from voluntary contributions and gifts from all over the world.

Article 13

The right to family benefits in Poland is enjoyed equally by men and women. According to the instruction of the Minister of Labour,Wages and Social Affairs all employees holding sickness and maternity insurance are entitled to family allowances[43/].

Other family benefits of essential significance include the obligation of alimony. In order to strengthen protection of children and other persons in difficult financial conditions due to alimony payment being refused and in order to increase the responsibility of persons under the obligation of paying alimony, the Alimony Fund was established in 1974[44/]. Payment from the Fund can be obtained by a person who lives in Poland and for whom an alimony payment was decided upon by the court, but be it partially or fully, it cannot be exacted. A person

entitled to such a payment applies to the Social Security Administration which exercises control over the Fund. A properly documented application opens up payments from the Fund.

Once the person concerned has received money from the Fund, the party under court obligation to pay alimony becomes a debtor to the Fund. The Alimony Fund is made up of:

1/ payments exacted from persons obliged to pay alimony,

2/ subsidies from State budget,

3/ voluntary payments and other income.

Consequently, the Fund serves to improve enforcement of alimony payment and protect the interests of persons who otherwise would have not been able to exact sums they are due.

In case of broken or one-parent families, the burden of child supports rests mostly on women. Therefore, it is mostly they who avail themselves of the Fund.

In 1983, there were over 99 thousand people entitled to benefit from the Fund. Almost 1,391 million zlotys were paid to them. Only 61.2 per cent of this sum came from persons bound to make payments to the Fund. The rest came from State subsidies.

Women and men have equal rights to bank and mortgage loans as well as other forms of financial credit. The sex of persons receiving credit does not affect its granting.

The right to rest is also a constitutional principle. Its realization through recreation is ensured by numerous institutions, including Workers's Holiday Fund, social activities of individual work establishments, tourist events organized by travel offices and tourist societies, special events, etc. All of them are as available for women as for men. Men and women have equal access to sports clubs and sports facilities; theirs is also equal participation in mass sports events.

Equal access to cultural amenities and participation of men and women in all aspects of cultural life have been discussed in Part One of the report.

Article 14

Problems facing rural women are considerably linked with the structure of Poland's agriculture. It comprises State, cooperative and private farms. Private farmers operate 71 per cent of arable land; cooperatives - some 4 per cent[45/]. Every person can take a job at a State farm, where he or she is employed as a worker in a State enterprise, or join a cooperative. Since 1980, all farmers, including those running private farms, have been covered by a system of social benefits. This has brought the position of the rural population in that field much closer to the conditions of city dwellers.

The Constitution of the Polish People's Republic contains numerous provisions reflecting the principle of equal rights of the urban and rural population[46/]. Rural inhabitants, like town dwellers, elect their representatives and are eligible for election to all representative organs, from the Sejm to local self-government. Village meetings also represent a form of self-government of rural inhabitants. All the foregoing comments are equally applicable to men and women.

There has been further improvement in the legal situation of rural women as regards benefits under the social security system and it is quite similar to the legal situation of women employees in towns.

As regards old-age and disability pensions, it is worth stressing the introduction of separate benefits for the farmer and his wife once they have turned the farm over to their successors or to the State. The formula serves to prove the point that since the work of each of the spouses equally contributes to the functioning of the farm, in case of old age or disability to work each of them should have his or her benefits securing their subsistence.

The Law on social security of farmers and members of their families has introduced a new kind of benefit, the so-called family pension for a farmer's spouse and family member[47/]. The family pension is paid to the widow of a farmer - old-age or disability pensioner - who had entered the marriage before the farm was

turned over but herself did not obtain the right to old-age or disability pension, who reached 50 years of age or is disabled, and who herself does not run a farm or does not have any permanent source of income. Rural women running a private farm or being married to farmers are now entitled to the same benefits upon child-birth as women working in State enterprises, namely:

a/ a birth allowance,

b/ a maternity allowance for the period of:

- 16 weeks in case of a single birth
- 24 weeks in case of a multiple birth,

c/ a family allowance (since 1986),

d/ an allowance for nursing a disabled child on the same basis as for employees in the public sector.

The only benefit which rural women are not entitled to as against their counterparts in the public sector, is the right to a child-care leave to look after a small child and the child-care allowance. This seems understandable in view of the specific nature of work on an individual, private farm.

Rural women employed under a work contract in State farms are treated in the same way as all other women workers employed in the public sector. Thus, just like all other women workers, they have the right to special protection of the work contract and social security benefits, including the right to a child-care leave.

As of 1 January 1983, rural women employed in farming cooperatives or wives to members of such cooperatives now enjoy equal protection of the motherhood as women employees of State work establishments. Thanks to the existence of boarding schools and dormitories rural women can attend various types of schools. Women working in the countryside can raise their qualifications at courses organized by Rural Housewives' Circles, their periodical Gospodyni, and conducted on radio and television programmes. The Rural Housewives' Circles have been discussed in Part One, 3d.

Article 15

The question of guaranteeing women equality with men before the Law is regulated in the Constitution of the Polish People's Republic which secures equal rights to citizens regardless of sex[48/].

The principle of equality has been embodied both in the Civil and Penal Codes. The Civil Code awards legal capacity to every persons upon birth[49/].

Full power to legal action, including the capacity to conclude contracts and handle property, is acquired upon coming of age[50/]. In both cases sex is irrelevant. Also the provisions of the Code of Civil Procedure, when referring to the rights of litigants, makes no distinction between men and women. Hence, men and women are treated equally at all stages of a lawsuit.

The same situation obtains in penal law. The provisions of the Penal Code and the Code of Penal Procedure contain no separate regulations in relation to women. It is worth mentioning in this context the provisions concerning acts against women's health. For instance, art.153 of the Penal Code provides for the penalty of deprivation of liberty of a person who forcefully produces a miscarriage in a pregnant woman or by other means, and without her consent terminates her pregnancy or by force, illegal threat, or artifice induces her to abortion. Art.154 of the Penal Code provides for criminal responsibility of a person who with the consent of a pregnant woman but in violation of law performs an abortion. The Law does not offer full freedom of abortion; it introduces far-reaching legalization of abortion, however limited to cases justified by medical, social or legal considerations[51/].

Questions of abortions and broadly conceived family planning are dealt with by the existing network of family counselling centres, women's health clinics and centres of the Family Development Society. Their functions have been discussed under article 10 of the Convention.

The law in Poland imposes no restrictions on the freedom of movement of persons and the freedom to choose their residence and domicile. Exceptions are possible exclusively under a court sentence passed in connection with committing an offence[52/].

Article 16

According to Art.79, paragraph 1 of Poland's Constitution, marriage, motherhood and family shall be safeguarded and protected by the Polish People's Republic.

The constitutional principle of the protection of the family and marriage is part of the law in many areas. It has found its fullest reflection in the Family and Guardianship Code, which regulates matters of marriage, relatives, adoption, alimony as well as protection and guardianship.

Protection of the family and motherhood by the State is also contained in other acts, in particular in the Labour Code and social security regulations. The Penal Code has a separate chapter on offences against the family, protection and youth [53/].

The legal protection of the family and the well-being of minors is also safeguarded by the guidelines for courts and court practice, issued by the Supreme Court, on 9 June 1976, which deal with the protection of the family under the penal law.

With a view to expanding the protection of the family, Family Courts have been separated within common courts (see: Part One of the report).

According to Polish law, a man of 21 years of age (18 years upon court's permission) and a woman of 18 (16 upon court's permission) may marry. The marriage in order to be valid, has to have the consent and voluntarily expressed will of both partners. Third persons have no bearing on the declaration of will of prospective spouses. Poland has ratified the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, signed in New York on 12 December 1982.

Equality of spouses, based on the Constitution, is one of the basic premises of Polish family law and constitutes an element of equal social and legal position of men and women. Provision of Art.23 of the Family and Guardianship Code underline that in a marriage spouses have equal rights and duties. They have the duty to live together, render mutual assistance, be faithful to one another and cooperate for the well-being of the family, which they have established through their union.

It should be emphasized that the Polish law treats remunerative occupation on the par with efforts at up-bringing children and work in a household. This refers both to the duty of satisfying the needs of the family, which, as already stated, rests upon both spouses, as well as to their share in raising their common property and to alimony if divorce should occur. That principle equals the position of professionally inactive woman who cares over children and runs the house-hold with the position of a professionally active man.

The parental authority is vested in both parents.

Neither of the spouses has a privileged position. According to Art.24 of the Code, the spouses decide jointly on important family matters; in case of disagreement, each of them can appeal to court for arbitration. There is equality of spouses as regards choosing a name[54/].

The principle of equality of rights and duties of both spouses has also been reflected in property relationships between spouses.

Upon conclusion of a marriage, on the grounds of the law, a property unity occurs between spouses encompassing their entire property. It is formed by material effects acquired during the period of property unity by both spouses or one of them. Specifically, their joint property includes received remuneration on account of work. This means that none of the spouses can claim exclusive rights to remuneration for professional work, unless the legal property unity has been limited or excluded by means of a special notary agreement.

Apart from joint property each of the spouses may have separate property. Separate property of each spouse may include, i.a.: 1/ property effects acquired before the establishment of property unity, 2/ effects acquired through inheritance, legacy or grant, unless the devisor or grantor decided otherwise, 3/ property effects designed to satisfy personal needs of one of the spouses, 4/ property effects serving the cause of profession, if they were acquired from means belonging to a separate property of a spouse pursuing the profession; this, however, does not apply to items designed to run a farm or an enterprise; 5/ effects acquired in connection with compensation for bodily injuries or harm; this does not apply to a disability allowance, 6/ property effects acquired in connection with prizes for personal achievements of one of the spouses, 7/ copyrights.
The regulations also facilitate protection of a woman against the effects of squandering the property, stating that the court has the right to limit or exclude the possibility of satisfying debts drawn by one of the spouses from their joint property, when due to the nature of the debt or measure of contribution to the creation of the joint property by the spouse-debtor, this would be incompatible with the principles of social relations.
Regulations of the Family and Guardianship Code shape marital property relations according to the principle of equality of the spouses, eliminating any by economic superiority of the husband over his wife[55/].

There is full equality in claiming dissolution of marriage through divorce.

However, efforts to settle a conflict by reconciling the spouses is an element of the entire procedure in divorce cases at all its stages. In such cases, as need be, courts make resort to experts employed at family diagnostic-counselling centres (see: Part One of the report). A verdict of divorce can be passed if marriage disintegration proves to be permanent and complete and the divorce shall not be detrimental to the well-being of minor children.

In 1983, divorces were granted in 45,799 cases, which amounted to 5 divorces out of every 1,000 marriages.

In considering divorce cases, courts are bound to take into account the well-being of under-age children. Once a marriage is dissolved, appropriate protection ought to be ensured to children. In keeping with Art.58 paragraph 1 of the Family and Guardianship Code, in a divorce sentence the court passes a judgement on parental authority over an under-age child of the spouses as well as on the amount of each parent's contribution to the cost of supporting and upbringing the child. Proceedings in alimony cases are free from court fees. Should it not prove possible to exact the adjudged amount from the person bound to pay the alimony, assistance is rendered from the Alimony Fund (see: discussion of Article 13 of the Convention).

In passing the judgement on ownership of the apartment belonging to the spouses, the court will primarily take into account the needs of the couple's children and the spouse entrusted with the execution of parental authority.

Divorce shall not be permitted should it be considered as affecting the well-being of the under-age children of the spouses[56/].

The Family and Guardianship Code regulates also the problem of adoption. Neither of the spouses can adopt a child without the consent of the other spouse.

Adoption may apply only to a person under age and only for his or her good.

General comment

The Government of the Polish People's Republic wishes to emphasize on the occasion of the present report that it sees a close relationship between the struggle for women's equality and the cause of world-wide détente, peace and a just economic order. Appreciating the paramount importance of life in peace, Poland which suffered enormously during the Second World War, takes an active part in the struggle for international peace and security, considering them as the basic condition for socio-economic

development.

World peace has been and will remain the main guideline of the foreign policy of the Polish People's Republic.

Consistent standpoint of Poland towards the question of peace has been formulated, among others, in the Appeal on the Defence of Peace, announced at the National Conference of the Delegates of the Polish United Worker's Party in March 1984. In the Appeal we read: "Consistently with the fundamental interests of our nation, with traditional line of our foreign policy, the socialist Poland will spare no efforts to introduce a constructive share in maintaining of the structures of a peaceful order in Europe, to strengthen world security and to develop a broad international cooperation."

The ideas of strengthening international peace and security, widening cooperation and friendly relations among nations, are very much alive among the Polish people. Poland's peace movement is a part of the world peace movement that originated at the World Congress of Intelectuals in 1948, in the Polish city of Wroclaw.

Actions for peace and to arrest the arms race have intensified among the Polish public with the deployment of new medium-range strategic missiles in Western Europe. NATO's intensification of the arms race, militarization of outer space and increasing tensions in international relations provoke social concern over the future of the world, over the preservation of life on Earth from nuclear extermination.

Polish women take keen interest in peace movement activities. They take initiative in various projects, national and international; the participants of numerous manifestations and rallies of women organized in Poland adopt resolutions and appeals addressed to women all over the world to unite their efforts in defence of peace and in counteracting the danger of war. In 1979, Polish women's movement organized a European meeting of women. The meeting which was held in Warsaw - a city cruelly experienced during World War II - had a special political meaning and provided

an opportunity to manifest the enormous resolve of women to the struggle for peace and life on Earth. In the first quarter of 1983, 17 peace conferences under the motto "Women in the struggle for peace and life, against the arms race" were held throughout the country.

Of special importance was the European Seminar under the motto: "Three Generations of Women in the Struggle for Peace and Against Fascism", organized in Warsaw in September 1984, on the 45th anniversary of the beginning of the Second World War.

Polish women also take part in international campaigns, congresses, manifestations, seminars and meetings, organized to strengthen peaceful co-operation among nations throughout the world. A delegation of Polish women attended the Prague Assembly for Peace, in March 1983.

Polish Women's organizations maintain lively contacts and close, warm ties with women's organizations in many countries, they exchange experiences in expanding the social, political, economic and cultural activities of women, in developing better knowledge of and understanding among nations, in expanding international friendship and co-operation.

Polish women's movement actively participates in all actions inspired by the International Democratic Federation of Women with a view to counteracting imperialism, neo-colonialism, apartheid, as well as the arms race. Poland believes that elimination of those negative phenomena in international relations will foster social progress and development and, consequently, contribute to the attainment of full equality of men and women. All-round development of every country, the well-being of the world and the cause of peace require the biggest possible participation of women, on equal footing with men, in all fields of political, social and economic life. The contents of the Declaration on the

Participation of Women in International Peace and Cooperation have been broadly popularized in the Polish society, especially among Polish women. The popularization of the UN Declaration on the Preparation of Societies for Life in Peace, which was initiated by Poland, also served the purpose of shaping proper women's attitudes to the nuclear threat to life on Earth.

The activities of Polish women are not restricted merely to expressing protests or solidarity with the nations and women in countries oppressed by external aggressors and internal regimes. Just like in the past, when assisting Vietnamese women, they organize campaigns "Gifts made with their own hands", at present too they launch actions of collecting children's clothing, toys and other things for women and children in different parts of the world.

All actions of Polish women's movement enjoy the full support of the Government of Poland.

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The Government of the Polish People's Republic wishes to point out that Poland's legislation remains in compliance with the purposes and principles as enunciated in the Convention. Although the process of achieving women's equality in everyday social and family life is still in progress, the status of women in Poland has grown high and the Government of Poland shall spare no effort to further enhance it.

Annex

1. Constitution of the Polish People's Republic, enacted on July 22, 1952 (with subsequent amendements):
Art.67, paragraph 2: "Citizens of the Polish People's Republic shall have equal rights irrespective of sex, birth, education, trade or professsion, nationality, race, religion, social origin and statuts".
Art.78, paragraph 2: "Women in the Polish People's Republic shall have equal rights with men in all fields of public, political, economic, social and cultural life".

2. a/ International Convention Banning Night Work of Women Employed in Industry, Berne, September 26, 1906, Dziennik Ustaw (Official Gazette) 1922, No.19, item 58;

   b/ Agreement of May 18, 1904 and Convention of May 4, 1910 concerning Slave Traffic, Paris. Dziennik Ustaw (Official Gazette) 1922, No.87, item 783 and Amendment, Dziennik Ustaw (Official Gazette) 1929, No 62, item 487;

   c/ Convention for the Suppression of the Traffic in Women and Children, Geneva, September 30, 1921, Dziennik Ustaw (Official Gazette) 1924, No 20, item 211; Protocol on amendments to the Convention of Lake Success, November 12, 1947 Dziennik Ustaw (Official Gazette) 1951, No.59, items 405 and 406;

   d/ Convention for the Suppression of the Traffic in Women of Full Age. Geneva, October 11, 1933. Dziennik Ustaw (Official Gazette) 1937, No 25, item 164. Protocol on amendments to the Convention of Lake Success, November 12, 1947. Dziennik Ustaw (Official Gazette) 1951, No.59, items 405 and 406.

   e/ Convention for the Suppression of Slave Trade and Exploitation of Prostitution, Lake Success, March 21, 1950, Dziennik Ustaw (Official Gazette) 1952, No 13, item 78;

   f/ Convention on the Political Rights of Women, New York, March 31, 1953, Dziennik Ustaw (Official Gazette) 1955, No.16, items 86 and 87;

   g/ Convention (No.100) concerning Equal Pay for Working Men and Women for Work of the Same Value, Geneva, June 29, 1951. Dziennik Ustaw (Official Gazette) 1955, No.38, items 238 and 239;

   h/ Convention (No.45) concerning Employment of Women in Underground Jobs in All Kinds of Mines, Geneva, June 21, 1935. Dziennik Ustaw (Official Gazette) 1958, No.29, items 124 and 128;

   i/ Convention on Citizenship of Married Women. New York, February 20, 1957, Dziennik Ustaw (Official Gazette) 1959, No.56, items 334 and 335;

   j/ Convention (No.103) (revised in 1952) concerning Protection of Motherhood, Geneva, June 28, 1952, Dziennik Ustaw (Official Gazette) 1976, No.16, items 99 and 100.

Poland also ratified other international agreements banning discrimination and prescribing to punish any manifestation of such discrimination, including first of all the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

3. Art.3, para 3 of the Constitution of the Polish People's Republic (Act of July 20, 1983 on amendments to the Constitution of the Polish People's Republic, Dziennik Ustaw (Official Gazette) No.39, item 175).

4. Art.67 and 78 of the Constitution of the Polish People's Republic - see: footnote 1.

5. Act of March 26, 1982 on amendments to the Constitution of the Polish People's Republic, Dziennik Ustaw (Official Gazette) No.11, item 83; Art.33 a

   1/ The Constitutional Tribunal decides on the compliance with the Constitution of legal acts and other normative acts issued by the supreme and central State organs.

   2/ Decisions of the Constitutional Tribunal on non-compliance with the Constitution are subject to consideration by the Sejm.

   3/ Decisions of the Constitutional Tribunal on non-compliance with the Constitution or legal acts of other normative acts are binding. The Constitutional Tribunal applies measures necessary to eliminate their inconsistences.

   4/ Members of the Constitutional Tribunal are elected by the Sejm from among persons with distinguished knowledge of the law.

   5/ Members of the Constitutional Tribunal are independent and are accountable only before the Constitution.

6. Ordinances of the Minister of Justice of April 26, 1983 and of May 12, 1983. Official Gazette of the Ministry of Justice, June 20, 1983, No. 3, items 14 and 17.

7. Ordinance of the Minister of Justice, December 28, 1977 on establishing divisions in certain district courts, naming the divisions and setting the scope of cases turned over to the divisions in such courts. Official Gazette of the Ministry of Justice of 1977, No. 6, item 25. Upon the enforcement of the Act on proceedings in juvenile cases of 26 October 1982, Dziennik Ustaw (Official Gazette) No. 35, item 228, family courts acquired statutory regulation.

8. Before filing a lawsuit an employee can request launching conciliatory proceedings before an appellate commission. Appellate commissions are elected from amongst the employees in bigger work establishments. Employees at managerial posts and those who work in establishments where no such commission exists, may apply to appellate commissions functioning at district courts.

   In case an employee is not satisfied with the appellate proceedings, he may apply to the court for labour matters.

Proceedings in labour lawsuits filed by employees are free of court fees. The procedures also provide for other facilities for an employee in such cases.

9. Law of 14 June 1960, Dziennik Ustaw (Official Gazette) No. 30, item 168 - consolidated text, Dziennik Ustaw (Official Gazette) 1980, No. 9, item 26.

10. Art. 127 and following of the Code of Administrative Procedure.

11. The Supreme Administrative Court was established by terms of the Law of 31 January 1980, Dziennik Ustaw (Official Gazette) No. 4, item 8 (decides in cases of complaints against administrative decisions).

12. Art. 8, paragraph 2 of the Constitution.

13. Art. 2 of the Law of 14 April 1967 on the Prosecutor General's Office of the Polish People's Republic - consolidated text Dziennik Ustaw (Official Gazette) of 1980, No. 10, item 30 provides that "The task of the Prosecutor General of the Polish People's Republic and public prosecutors subordinated to him is to protect people's rule of the law, in particular prosecution of offences, safeguarding protection of social property, ensuring respect of citizens' rights".

14. Art. 86, paragraph 2 of the Constitution and Art. 221 of the Code of Administrative Procedure.

15. Poland has a system of State, professional and civic control. State control includes a specialized organ, the Supreme Chamber of Control. There are also institutions dealing with control in one particular field. Civic control is performed by People's Councils and their commissions as well as Social Control Committees, set up in 1978.

16. Art. 72 and 78 of the Constitution.

17. Data from the 1983 Statistical Yearbook.

18. On the basis of the results of a sociological survey published by R. Siemienska, "Women and the Family in Poland", in the collective work, "The Changing Position of Women in Family and Society - A Cross-National Comparison", published by E. Lupri, Leiden 1983.

19. Surveys from 1972 based on an all-Polish representative sample for all adult citizens, published by A. Jasinska and R. Siemienska, "Role of the family in the publicized model of a socialist personality and its place in the hierarchy of values of the Polish society" (Przeglad Humanistyczny No. 11/12, 1980). These studies were verified by results of a questionnaire survey carried out in 1976 on the basis of an all-Polish sample conducted by B. Kulczycka, where 80 per cent respondents replied that the family was most important for them.

20. On the basis of surveys as in footnote 18.

21. Dziennik Ustaw (Official Gazette) No. 10, items 71 and 72.

22. Art. 67 paragraph 2 of the Constitution; see: footnote 1.

23. On the basis of sociological surveys - see: footnote 18.

24. See: footnote 2.

25. Art. 174 of the Penal Code and Art. IX of the Law on the regulations introducing the Penal Code:
Art. 174. para 1."Whoever induces another person to engage in prostitution is liable to punishment of deprivation of liberty for a term of one to ten years.
Para 2. Whoever derives profit from somebody else's prostitution or facilitates somebody else's prostitution for material gain is liable to the same punishment".

Art. IX: para 1. "Whoever delivers, lures or abducts another person in order to practice prostitution, even upon the other person's consent, is liable to punishment of deprivation of liberty for a term not shorter than three years.
Para 2. Whoever engages in traffic in women, even upon their consent, or in children, is liable to the same punishment".

26. Art. 2 para. 1 of the act of 17 January 1976, Electoral Law to the Sejm of the Polish People's Republic and People's Councils, Dziennik Ustaw (Official Gazette) No 2, item 15 provides that "elections are universal (...) every Polish citizen, being 18 years of age on the election day, has the right to vote regardless of sex, nationality, race, religion education, duration of stay in the electoral district, social background, profession and financial status". Similarly Art. 3 of the act Electoral Law to People's Councils, Dziennik Ustaw (Official Gazette), 14 February 1984, item 32. Art.4 : "Every person having the right to vote is eligible to be elected; persons over 21 years of age may be elected Sejm deputies".

27. Data from the 1983 Statistical Yearbook.

28. Dziennik Ustaw (Official Gazette) 1962, No. 10, item 49.

29. Art. 6, para. 1, and 2 of the act, see: footnote 28.

30. Art. 72 of the Constitution "1. Citizens of the Polish People's Republic have the right to education.
2. The right to education shall be ensured on an ever increasing scale by
/1/ free education,
/2/ universal and compulsory elementary education,
/3/ spreading of secondary education,
/4/ the development of higher education,
/5/ the aid of the State in raising the skills of citizens, employed in industrial establishments and other places of employment in town and country,

/6/ the scheme of State scholarships, the development of hostels, boarding schools and students' hostels, as well as other forms of material aid for the children of workers, working peasants and intelligentsia".

31. Dziennik Ustaw (Official Gazette) 1961, No. 32, item 160.

32. Dziennik Ustaw (Official Gazette) 1983, No. 14, item 113.

33. Resolution of the Council of Ministers on improving and developing the system of occupational orientation and counselling, Monitor Polski 1974, No. 19, item 112, uses the wording "youth, under-age persons and adults" - that is without sex differentiation.

34. See: Part One of the report, point 3 d.

35. Art. 3 of the Law on development of Education and Upbringing, Dziennik Ustaw (Official Gazette) 1961, No. 32, item 160 and the Ordinance of the Minister of Science, Higher Education and Technology on conditions as well as kinds and amounts of material assistance to students, Dziennik Ustaw (Official Gazette) 1982, No. 29, item 204.

36. Art. 69 para. 3 of the Constitution.

37. Art. 68 para. 1 of the Constitution.

38. According to Art. 176 para. 1 of the Labour Code it is prohibited to employ women in jobs which are particularly onerous and hazardous to their health. An extensive list of these jobs was established by the Ordinance of the Council of Ministers of 19 January 1979, Dziennik Ustaw (Official Gazette) No. 4, item 18 . The list specifies jobs and operations which are prohibited for women. It is divided into separate branches of work, but the prohibition extends to the same jobs performed in other branches. It includes permissible loads to be carried and transported, prohibition of work in mining underground, in metallurgy - work directly connected with smelting, in the mineral industry - operation of kilns in brickyards, glass mills, cement factories, a number of jobs in the chemical, foodstuffs and printing industries, in transport, health service (especially prohibition of employing pregnant women in conditions of exposure to high-frequency electromagnetic radiation), agriculture and forestry (working as tractor drivers, with especially toxic mineral fertilizers and pesticides, peat extraction, tree falling, etc.).
The catalogue is subject to changes along with scientific progress and application of modern technologies.

39. Para. 2 of the Resolution No. 64 of the Council of Ministers of 23 March 1973 on the principles of delegating employees of public sector work enterprises to schools for working people at higher schools and on facilities and benefits they are entitled from their work enterprise, Monitor Polski, 1973, No. 18, item 111.

40. The Law of 14 December 1982 on the employment of graduates. Dziennik Ustaw (Official Gazette) No. 40, item 270.

41. The right to a paid leave for employees is contained in the Labour Code. The right to pension is provided for by the Law on the general system of pensions for employees and their families as well as a number of laws which somewhat differently regulate pension benefits for certain groups of employees, e.g. miners, farmers and teachers. The right to benefit in case of sickness is envisaged by the Law on social security benefits in case of illness and motherhood. The right to benefits in case of disability is provided for by the Law on benefits on account of on-the-job accidents and occupational deseases.

42. Art. 70 of the Constitution and Art. 207 of the Labour Code.

43. Para. 1 of the Ordinance of the Minister of Labour, Wages and Social Affairs on family allowances, Dziennik Ustaw (Official Gazette) 1974, No. 21, item 127.

44. Dziennik Ustaw (Official Gazette) 1983, No. 10, item 54 - consolidated text.

45. Data from the 1983 Statistical Yearbook.

46. Art. 1 para. 2 of the Consitution: "In the Polish People's Republic authority shall be vested in the working people of town and country";
Art. 5 para. 1 of the Constitution: "The Polish People's Republic shall safeguard and expand socialist achievements of the Polish working people of town and country";
Art. 16 of the Constitution: "The Polish People's Republic shall promote the expansion of various forms of the co-operative movement in town and country..."

47. The Law of 14 December 1982, Dziennik Ustaw (Official Gazette) No. 40, item 268.

48. Art. 67 para. 2 of the Constitution - see: footnote 1.

49. Art. 8 of the Civil Code: "Every person since birth has legal capacity".

50. Art. 11 of the Civil Code: "Full legal capacity to act is acquired upon coming of age".

51. Art. 1 para. 1 of the Law of 27 April 1956, Dziennik Ustaw (Official Gazette) No. 12, item 61 on conditions of permissibility of abortion:
Abortion may be performed only by a physician provided
1/ abortion is favoured on accounts of
   a/ medical reasons
   b/ difficult living conditions of the pregnant women
2/ there are justified reasons to believe that pregnancy occured as a result of a criminal act.

Art.1 para. 2: It is prohibited to perform abortion in cases envisaged in para. 1 item 1 letter b/ and item 2: if there are medical contraindications for it.

52. Apart from the penalty of deprivation of liberty, which by nature restricts the freedom of movement and the choice of residence, the Polish Penal Code also provides for the penalty of limitation of liberty (Art. 33 of the Penal Code). The penalty of limitation of liberty is of at least 3 months duration and does not exceed 2 years; one of the conditions enforced on the convict is that unless allowed by the court, he cannot change his place of residence. Moreover, according to Art. 75 para. 2 and Art. 94 of the Penal Code, in suspending execution of the punishment or applying pre-term conditional release from prison, the court can oblige the convict i.a. to stay away from certain groups of people or places.

53. Art. 183-188 of the Penal Code.

54. Art. 25 para. 3 of the Family and Guardianship Code.

55. Art. 31-54 of the Family and Guardianship Code.

56. Art. 56 of the Family and Guardianship Code.